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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,966

03/17/2004

Yasushi Kondo

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EXAMINER

TILL, TERRENCE R

ART UNIT

PAPER NUMBER

1744

MAIL DATE

DELIVERY MODE

05/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/802,966

Applicant(s)

KONDO, YASUSHI

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-13 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/10/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the air outlet in the bottom wall (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (US 2002/0046438).

5. With respect to claims 1-3, the patent to Oh '438 discloses a vacuum cleaner, comprising: a nozzle assembly 20 having an inlet opening; a canister assembly 10 connected to said nozzle assembly; a suction generator 12 carried on said canister assembly; a dirt collection vessel 30 carried on said canister assembly, said dirt collection vessel including a top wall (lid) 35, a sidewall 32b and a bottom wall 33a, an air inlet 36 in said top wall and an air outlet in said sidewall 32c, and an agitator (see figure 3) on said nozzle assembly held in said inlet opening.

6. With respect to claims 4, 5, 14-16 and 18, the patent to Oh '438 discloses a vacuum cleaner, comprising: a nozzle assembly 20 having an inlet opening, an agitator (see figure 3) in said inlet opening; a canister assembly 10 connected to said nozzle assembly; a cyclonic separation chamber 30a having an inlet 36, a first outlet 37 in an end wall and a second outlet 32c, said cyclonic separation chamber being carried on said canister assembly; a dirt collection vessel 13 having a dirty air inlet 13a (second inlet- claim 18) in fluid communication with said first outlet and a discharge outlet 13b (third outlet- claim 18), said dirt collection vessel being carried on said canister assembly; and a suction generator 12 (having third inlet- claim 18)

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carried on said canister assembly. Oh '438 additionally discloses a discharge conduit 15 in fluid communication with (a) said second outlet, (b) said discharge outlet and (c) an intake of said suction generator. It should be noted that the conduit is in communication with the second outlet in that there is nothing blocking the passage of air there between. Also, Oh '438 discloses said cyclonic separation chamber is substantially cylindrical in shape and includes an end wall (see figure 3) and a sidewall 32b, said first outlet being located adjacent (meaning near or close to) said sidewall and said second outlet being located adjacent an axial centerline of said cyclonic separation chamber on said end wall.

7. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (US 2002/0178535).

8. The patent to Oh '535 discloses a vacuum cleaner, comprising: a housing 100; a cyclonic separation chamber 200 having an inlet 210 and an outlet 220; a dirt cup 300 separate from but in fluid communication with said cyclonic separation chamber; and a suction generator (see paragraph 0026) in fluid communication with said dirt cup. It should be noted that the conduit is in communication with the second outlet in that there is nothing blocking the passage of air there between.

***Allowable Subject Matter***

9. Claims 6-13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Oh '079, Hayashi et al., Oh et al. '385, Davidshofer and Go et al. show the current state of the art in vacuum cleaners with cyclonic separators and dirt cups.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Terrence R. Till  
Primary Examiner  
Art Unit 1744

trt